

REMARKS

Claims 1, 2 and 4-102 are pending, with claims 1, 15, 21 and 27-32 being independent and claims 27-96 being withdrawn from consideration. Claims 100-102 have been added and find support in the application at, for example, Fig. 1A and page 4, line 20 to page 5, line 17 of the application. No new matter has been introduced.

Claims 1, 2, 4-26 and 97-99 have been rejected as being unpatentable over Edwards (U.S. Patent Application Publication No. 2002/0077160) in view of Yoon (U.S. Patent No. 6,697,083). Applicant again requests reconsideration and withdrawal of this rejection because there would have been no motivation to combine the references in the manner set forth in the rejection.

As noted in applicant's prior reply, applicant disagrees that any motivation to combine Edwards with Yoon so as to have the system of Edwards have one of the first housing and the second housing include a transmitting unit while the other includes a receiving unit would have resulted from relying on Yoon to "specifically point out the arrangement of typical device components, such as the transmitting unit, the receiving unit, and the display."

As previously noted, Edwards states, in paragraph [0020] that "the antenna of certain handheld devices, such as satellite phones, must extend above the user's head" and that the "cover 24 operates as an extender for antenna 21" and "extends beyond the user's ear so that it provides the highest possible antenna base without requiring an antenna extension or the like." Thus, Edwards indicates that it is important to maximize the distance that the antenna extends from the components with which it operates, which would weigh against moving components to the cover of Edwards. Moreover, in order to maintain a consistent distance between the microphone and the speaker (which the rejection equates with the transmitting and receiving units), the size of the device of Edwards would need to be reduced if the microphone or speaker were moved to the cover, and this, in turn, would lower the antenna base, which is contrary to the purpose of Edwards.

In response to this argument, the advisory action states, without support, that "The cover portion (24) of Edwards can be modified by incorporating a display unit and also a receiver unit positioned at the user's ear, *while still maintaining maximum distance of the*

antenna beyond the user's head. This simply is not the case. Since the distance between the user's mouth and the user's ear is a fixed value, movement of the receiver to the cover and the user's ear would require the length of the first housing to be reduced. Since the cover needs to be sized consistently with the first housing, the length of the cover would also be reduced. This means that the distance of the antenna beyond the user's head would necessarily be reduced.

Moreover, even if the lengths of first housing and the cover were not reduced, movement of the receiver and the speaker to the cover would necessarily move the cover closer to the user's ear, which would necessarily reduce the distance of the antenna beyond the user's head. Accordingly, the rejection should be withdrawn..

The present rejection and the advisory action also seems to attach significance to the statement in paragraph [0020] of Edwards that the cover can contain electronics. However, applicant is not contending that the device of Edwards would not have been modified to place the receiver in the cover because it somehow would have been physically challenging to do so. Rather, applicant is arguing that the device of Edwards would not have been modified to place the receiver in the cover because doing so would have frustrated the purpose of the design employed by Edwards, which was to extend the antenna substantially above the user's head.

For at least these reasons, the rejection should be withdrawn.

Applicant submits that all claims are in condition for allowance.

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The fees in the amount of \$490 for a second month extension of time (\$340) and three additional claims (\$150) are being paid concurrently herewith on the electronic filing system (EFS) by way of deposit account authorization. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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